

REMARKS

1. **Indication of Allowable Subject Matter**

Applicants greatly appreciate the Examiner's statement in the previous Office Action in which claim 22 has been indicated as allowable and claim 30 has been indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As such, Applicant has included new claim 31 which includes those elements of previously pending claim 30 and any intervening claims.

2. **Examiner Interview**

Applicants appreciate the telephone conference with J. Scott Culpepper , Attorney Registration No. 41,692, on March 8, 2004. Proposed claims 32-54 were discussed as well as the prior art of record. No specific agreement was reached with respect to allowability of those claims.

3. **Response To Claim Rejections Under 35 U.S.C. §102(b)**

Claims 1-3 and 6-7 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Duykers* (U.S. Patent No. 4,216,766). As previously noted, claims 1-3 and 6-7 have been canceled in the present Response.

4. **Response To Claim Rejections Under 35 U.S.C. §103(a)**

Claims 4, 5, 8-21, and 23-29 stand rejected under 35 U.S.C. §103(a). As previously noted, claims 4, 5, 8-21, and 23-29 have been canceled in the present Response.

5. **New Claims**

Claims 31-54 have been newly added to further define and/or clarify the scope of the invention.

Newly added independent claim 31 includes those elements previously found in dependent claim 30 as well as those elements found in the intervening claims and the base claim. Those elements have been indicated to be allowable subject matter in the pending Office Action.

Newly added independent claim 32 is directed to determining a resonant frequency of a lung. Applicants contend that claim 32, as well as claims 33-37 which depend therefrom, are allowable for at least the reason that the cited references, either alone or in combination, do not teach a method of determining the resonant frequency of a lung.

Newly added independent claim 38 is directed to a method for the medical treatment of a person. Applicants contend that claim 38, as well as claims 39-54 which depend therefrom, are allowable for at least the reason that the cited references, either alone or in combination, do not teach the method claimed. As well, the cited references do not disclose the specified acoustic vibration amplitudes and treatment times, as claimed in dependent claims 40 and 41, among others.



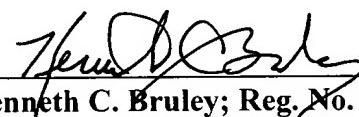
Serial No.: 09/842,610
Art Unit: 3764

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above,

Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 22 and 31-54 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



Kenneth C. Bruley; Reg. No. 51,504

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**

Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500

RECEIVED
APR 06 2004
TECHNOLOGY CENTER R3700